



2026:AHC:18567

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 250 of 2026

Tejpal Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajesh Kumar Srivastava
Counsel for Respondent(s)	:	C.S.C., Kaushal Kishore Mani

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. The petitioner has preferred the present petition inter-alia with the following prayer :-

I. Issue a writ order or direction in the nature of Certiorari quashing the impugned order dated 10.11.2025 passed by the Respondent No.2 in Case No.5802/2025 computerized No.D202509600005802 (Tejpal Vs Gram Sabha) under Section 67 (5) U.P. Revenue Code 2006, as well as the impugned order dated 12.07.2024 passed by Tehsildar/Assistant collector Ist Class Tehsil Rampur Maniharan District Saharanpur, in Case No.00097/2018 Computerized Case No.T201809600500097 (Gram Sabha Jandhera Samaspur Vs Tejpal) under Section 67 U.P. Revenue Code 2006, (Annexure No.1 & 2 to the writ Petition).

II. Issue a writ order or direction in the nature of mandamus commanding the respondent No.2 and 3 not to dispossessed to the petitioner from his dwelling house during the pendency of present writ petition."

2. Facts in brief as contained in the writ petition are that on the report dated 28.12.2017 submitted by the Lekhpal, proceedings under Section 67 of the U.P. Revenue Code, 2006 has been initiated against the petitioner which was registered as Case No.00097 of 2018. Considering the aforesaid report, the respondent No.3/Assistant Collector Ist Class, Tehsil Rampur Maniharan District Saharanpur passed the order dated 12.07.2024 evicting the petitioner from the land in dispute. Aggrieved with the aforesaid order, the petitioner preferred appeal under Section 67(5) of the

U.P. Revenue Code, 2006 being Case No.5802/2025 computerized No.D202509600005802 (Tejpal Vs Gram Sabha) before the respondent No.2/District Magistrate, Saharanpur and the aforesaid appeal has also been rejected by the respondent No.2/District Magistrate, Saharanpur vide order dated 10.11.2025, hence the present writ petition.

3. Apart from various other arguments, one of the arguments has been raised by counsel for the petitioner that aforesaid orders were passed in complete violation of the procedure prescribed in para-74 passed in the case of ***Rishipal Singh and others Vs. State of U.P. and others reported in 2023 (1) ADJ 154*** hence same are liable to be set aside. Paragraph-74 of the aforesaid judgment reads as follows:-

"74. Thus, in my view, following guidelines be adopted as procedure to be applied to proceedings under Sections 67,67A and 26 of the U.P. Revenue Code. It is all aimed at ensuring transparency in the procedure, judiciousness in approach by the authorities and to thwart every complaint made with ulterior and oblique motive to dislodge a long settled possession and causing of unnecessary harassment to an innocent villager:

(i) In case of complaint made on RC Form 19, the official making it shall ensure that proper survey is done in the light of observations made in this judgment; the land, occupation of which has stood identified to be unauthorized is in exact measurement and so also shown in the survey map prepared on scale, as per the Land Revenue Survey Regulations, 1978; the exact assessment of damages on the basis of circle rate with details of calculation made on that basis.

(ii) In a case of suo motu action, before issuing RC Form 20, the authority will ensure that proper report upon RC Form 19 is submitted as per para (i) above on parameters of subrule 1 Rule 67.

(iii) RC Form 20 must be accompanied by a copy of report and spot survey submitted alongwith RC Form 19 to the person against whom proceedings have been instituted, or even otherwise submitted in case of suo motu action vide para (ii) above.

(iv) Upon reply being filed to the notice, if authority finds that spot

survey/explanation report is not satisfactory, it may order for a fresh spot report to be prepared in presence of the party aggrieved.

(v) In the event, objection includes a plea of statutory protection/ benefit under Section 67-A, the authority should invite the objection from the Gaon Sabha, and will decide the same alongwith the matter under Section 67, without requiring aggrieved party to move separate application under Section 67-A.

(vi) If the report is admitted on record, may be in case no objection is filed, the authority must ensure presence of the person preparing the report before it, to prove the report by his statement, with a right to aggrieved party to cross question him.

(vii) The authority must endeavour to decide the case within time framed provided under the relevant Act and the Rules and should desist from granting adjournment to the parties in a routine manner.

(viii) In case of appeal under Section 67(5) of the U.P. Revenue Code, 2006, preferred/ filed within the time prescribed alongwith interim relief application, the interim relief application as far as possible should be decided within two weeks' time with prior notice to other side and where plea of settlement under Section 67-A has been taken before Assistant Collector-1st Class, and damages to the tune of 25 % at-least of the total damages are paid and an affidavit of undertaking is filed for not raising any further construction upon the land in question, the authorities including civil administration should avoid taking any coercive measure pursuant to the order appealed against until the disposal of interim relief application. The Appellate authority may also consider granting interim relief on the very first day of filing of appeal with stay application if above conditions are fulfilled by the appellant.

(ix) The appellate authority should as far as possible decide the appeal within a period of two months of its presentation. "

4. This fact is also admitted by counsel for the respondents.

5. In view of the same, since the order dated 10.11.2025 passed by the Respondent No.2 in Case No.5802/2025 computerized

No.D202509600005802 (Tejpal Vs Gram Sabha) under Section 67 (5) U.P. Revenue Code 2006, as well as the impugned order dated 12.07.2024 passed by Respondent No.3-Tehsildar/Assistant collector Ist Class Tehsil Rampur Maniharan District Saharanpur, in Case No.00097/2018 Computerized Case No.T201809600500097 (Gram Sabha Jandhera Samaspur Vs Tejpal) under Section 67 U.P. Revenue Code 2006, were passed in complete violation of procedure prescribed in the case of **Rishipal Singh (supra)**, the same are liable to be set aside and hereby quashed.

6. The writ petition is **allowed** and the matter has been remanded back before the Respondent No.3-Tehsildar/Assistant collector Ist Class Tehsil Rampur Maniharan District Saharanpur to pass fresh order in view of observations made by this Court in paragraph-74 of the judgment and order dated 02.12.2022 in the case of **Rishipal Singh (Supra)**, expeditiously.

(Prakash Padia,J.)

January 28, 2026

Swati